**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**NAGPUR BENCH, NAGPUR**

**Civil Application No.2811 of 2007.**

**IN**

**Writ Petition No.86 of 2007.**

**[Krushnarao S/o Mahadeorao Deshmukh and 2 others]**
**Vs.**
**[State of Maharashtra and others]**

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Office Notes, Office Memoranda of Coram, appearances, Court's orders **Court's or Judge's orders** or directions and Registrar's orders.

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Shri S. Sohoni, Advocate for the petitioner.
Shri NR Borkar Advocate for R-4 & 6.
Smt. Bharti Dangre, Addl. Government Pleader for Respondents no.1 to 3 & 9.
Shri Q.W. Kashid Advocate for R 4 to 6.

**Coram**: A. H. JOSHI AND
R. C. CHAVAN, JJ.
**Dated** : 30th AUGUST, 2007

1. By this application, the petitioners seek to have the respondents no.4 to 6 restrained from creating third party interest in the disputed property during the pendency of the Writ petition.

2. The respondents no.4 to 6 have filed the reply opposing this prayer stating that they have purchased the plot from the respondent no.3 Co-operative Society, and have started construction after obtaining sanction from the competent authorities.

3. The grievance in the petition is in respect of the amendment to the layout sanctioned by the Town Planning Authorities whereby a plot reserved for Garden was allowed to be converted into plots, one of which has been purchased by the respondents no.4 to 6. Since this is the grievance being agitated in this petition, the creation of third party interest by respondents 4 to 6 would create complications in the effective adjudication of the rights claimed by the petitioner.

4. The application is, therefore, allowed in the following terms:

If respondents no.4 to 6 create third party interest in the

disputed property, they shall do so with the express stipulation to the transfereess that such interest shall be subject to the decision of the Writ Petition, and the transferee shall be put to notice that they would be liable to be removed without any separate notice from the Court.

**JUDGE** **JUDGE**

***Sbm***